UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,928	06/28/2001	Andrew Ferlitsch	SLA 0374	7053

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KRIEGER INTELLECTUAL PROPERTY, INC.
P.O. BOX 1073
CAMAS, WA 98607

EXAMINER
QIN, YIXING

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/894,928	FERLITSCH, ANDREW
	Examiner	Art Unit
	Yixing Qin	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 6/20/05, all requested changes

have been entered.

Response to Arguments

The Examiner agrees that Barry et al does not disclose that there is user

manipulation of the index file, but note that the Examiner has only said that it would be

obvious/suggested to have a user manipulate the index file according to Barry et al in

Fig. 2a (item 214 - that users can manually define parameters). The Examiner also

agrees that Barry et al does not necessarily teach a PISF. However, the Examiner has

found a better reference to teach and/or suggest the claimed invention. Please see the

new rejection using Blossey below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

I.   Claims 1-4, and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Blossey et al (U.S. Patent No. 6,057,930 – "Blossey").

1. **Claims 1, 10, 14, 19 and 20**
   - Blossey et al discloses in Fig 1. illustrates spool 140/145 for spooling print jobs. Column 2, lines 63-65 discloses the reception of a submitted job.
   - Blossey et al discloses in column 2, line 65 to column 3, line 2 that there the job is in at least two portions: the PDL itself and job description portion created from the submitted job. The job description is essentially a **page independent spool file index** since it contains information for specifying various formatting options for the pages.
   - Blossey et al discloses in column 3, lines 2-10 that the job description section includes shows number of copies, type of paper, collation, duplexing, etc. From column 3, lines 1-2, Blossey discloses that the client 100 has specified certain instructions for printing (i.e. the ones shown in lines 2-10, which were **manipulated** onto the job description by the client 100). One of ordinary skill knows that the client 100 can be controlled by an user to affect these printing options.
   - Blossey et al discloses in column 3, lines 48-55 that the job is sent to an output terminal depending on the job description

2. **Claim 2**
   - Blossey discloses in column 2, line 46 that PostScript is used. One skilled in the art knows that PostScript can be used in the Windows operating environment, although it might not necessarily be termed a **"MS windows job description file."**
   - Also, the applicant disclosed prior art in the background of the specification on pg 3, lines 19-21 explains that EMF and raw are two common types of data files in Windows.

3. **Claim 3**
   - As mentioned above, Blossey discloses in column 3, lines 4-6 various formatting options.

4. **Claim 4**
   - See wherein Blossey et al discloses in column 3 lines 1-10 that the print job description, comprises instructions, i.e. commands, for the print job, which inherently includes commands for each page in the print job because they are a part of the print job as a whole. Blossey et al teaches the job description file comprising page data, i.e. duplex paging, etc. These read on the commands for the print job and the page, as well as the page data.

5. **Claim 9**
   - Blossey discloses the use formatting options in column 3, lines 4-6, which include collate.

6.   **Claim 11**
   - Blossey et al - column 3, lines 56-67 and fig 2 teach CPUS 200 and 210 for creating, manipulating and accessing.

7.   **Claim 12**
   - Blossey discloses, for example, spools 140 and 145 as assistants. See column 3, lines 11-17.

8.   **Claim 13**
   - Blossey discloses, for example, a print service 140 as an assistant. See column 3, lines 11-17.

9.   **Claim 15-17**
   - The client computer would inherently have a processor to create the job description (i.e. PISF). Although not explicitly disclosed, the component that creates the PISF would be a matter of design since once one knows how to create a PISF (i.e. the job description), one can implement such functionality into any reasonable part of a printing system (i.e. spooler, or a print assistant).

10.   **Claim 18**
   - The spoolers 145 and 140 as disclosed by Blossey can read on the indexer (Fig. 1).
   - The modification (i.e. manipulation) of the PISF has been addressed in claim 1 above.
   - From claim 1 above, if an item is accessed, it would have to be read. The reader can be the CPU 200 or CPU 210 in column 3, lines 56-67 as they are responsible for processing the print job.

II.   Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blossey et al (U.S. Patent No. 6,057,930) in view of applicant's submitted prior art in the

specification.

11.   **Claims 5 and 6**
   - Blossey does not explicitly disclose use of EMF and raw data formats.
   - However, the applicant's disclosure of the prior art states in page 3, line 19-21 that EMF and raw are two common types of data that Windows typically uses. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to use EMF or raw data in Barry et al's invention. The motivation would have been to use a widely recognized format for increased compatibility.

12.   Claim 7
- Blossey only discloses the use formatting options in column 3, lines 4-6. It is not explicitly disclosed that those options change the order of the document.
- The applicant's disclosure of the prior art states in page 2, line 17-19 that "reverse order collation" is a known formatting option.

13.   Claim 8
- Again, Blossey does not show the scaling of pages.
- The applicant's disclosure of the prior art states in page 2, line 13-19 that "N-up" and "reverse order collation" are known formatting options. N-up effectively changes the scale of the document since it puts multiple pages into one printed pages, and "reverse order collation" reverses the order in which pages are printed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.

The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free).

YQ

EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600